

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 01-0229P

Use Tax

Calendar Years 1997, 1998, and 1999

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ISSUE(S)

I. **Tax Administration** – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

STATEMENT OF FACTS

Taxpayer protests the penalty assessed on an audit completed on March 21, 2001.

Taxpayer maintains its headquarters out of state and has several business locations in Indiana. Taxpayer failed to self-assess use tax on clearly taxable fixed asset purchases in calendar year 1999.

1. **Tax Administration** – Penalty

DISCUSSION

Taxpayer's audit report revealed that it failed to self assess use tax for its fixed assets purchases.

Taxpayer requests a waiver of penalties because it makes every attempt to file its returns timely and accurately.

Taxpayer failed to self assess use tax on clearly taxable fixed asset purchases in calendar year 1999. For the three-year audit period, the assessment was more than ninety percent (90%) of the use tax due.

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The taxpayer was negligent in failing to self-assess and remit use tax on clearly taxable fixed assets purchases and has not shown reasonable cause for failing to do so.

FINDING

Taxpayer's protest is denied.

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